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TIGARD CITY COUNCIL  
MEETING

NOVEMBER 25, 2003 6:30 p.m.

TIGARD CITY HALL  
13125 SW HALL BLVD  
TIGARD, OR 97223



**PUBLIC NOTICE:**

Anyone wishing to speak on an agenda item should sign on the appropriate sign-up sheet(s). If no sheet is available, ask to be recognized by the Mayor at the beginning of that agenda item. Visitor's Agenda items are asked to be two minutes or less. Longer matters can be set for a future Agenda by contacting either the Mayor or the City Manager.

Times noted are estimated; it is recommended that persons interested in testifying be present by 7:15 p.m. to sign in on the testimony sign-in sheet. Business agenda items can be heard in any order after 7:30 p.m.

Assistive Listening Devices are available for persons with impaired hearing and should be scheduled for Council meetings by noon on the Monday prior to the Council meeting. Please call 503-639-4171, ext. 2410 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

Upon request, the City will also endeavor to arrange for the following services:

- Qualified sign language interpreters for persons with speech or hearing impairments; and
- Qualified bilingual interpreters.

Since these services must be scheduled with outside service providers, it is important to allow as much lead time as possible. Please notify the City of your need by 5:00 p.m. on the Thursday preceding the meeting by calling: 503-639-4171, ext. 2410 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

SEE ATTACHED AGENDA

A G E N D A  
TIGARD CITY COUNCIL WORKSHOP MEETING  
NOVEMBER 25, 2003

6:30 PM

1. WORKSHOP MEETING
  - 1.1 Call to Order - City Council
  - 1.2 Roll Call
  - 1.3 Pledge of Allegiance
  - 1.4 Council Communications & Liaison Reports
  - 1.5 Call to Council and Staff for Non Agenda Items
2. JOINDER AGREEMENT WITH THE JOINT WATER COMMISSION
  - Staff Report: Public Works Staff
3. CITYWIDE SEWER EXTENSION PROGRAM BROCHURE PRESENTATION
  - Staff Report: Engineering Staff
4. DISCUSSION OF THE PROPOSED PLAN TO COMPLETE THE CITYWIDE SEWER EXTENSION PROGRAM
  - Staff Report: Engineering Staff
5. DISCUSSION OF PLANNED DEVELOPMENT REQUIREMENTS AND CREATION OF A COMMUNITY DEVELOPMENT CODE REVIEW COMMITTEE
  - Staff Report: Community Development Staff
6. CITY/TRI-MET MEMORANDUM OF UNDERSTANDING (MOU) AND LOCAL TRANSIT SERVICES DISCUSSION WITH TRI-MET GENERAL MANAGER FRED HANSEN
  - Staff Report: Community Development Staff
7. DISCUSSION OF POTENTIAL TIGARD-TUALATIN SCHOOL DISTRICT PARK AND RECREATION DISTRICT PROPOSAL
  - Staff Report: Administration Staff
8. COUNCIL LIAISON REPORTS

9. NON-AGENDA ITEMS

10. ADJOURNMENT

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AGENDA ITEM # \_\_\_\_\_  
FOR AGENDA OF November 25, 2003  
CITY OF TIGARD, OREGON  
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE:

Joint Water Commission Membership Amendment Presentation

PREPARED BY: Ed Wegner DEPT HEAD OK \_\_\_\_\_ CITY MGR OK \_\_\_\_\_

ISSUE BEFORE THE COUNCIL

The City continues to make progress in its efforts to secure a long term water supply. This will be the fifth joint meeting with the Intergovernmental Water Board where the City staff will brief the Council and IWB on the “*Amendment to Water Service Agreement and Joinder Agreement*” with the Joint Water Commission. The agreement will grant the City of Tigard membership to the Joint Water Commission.

STAFF RECOMMENDATION

No action is recommended at this time.

INFORMATION SUMMARY

The City has been actively pursuing ownership in a long term source of water. Past and current Council goals, as well as the visioning process, have consistently directed the City to this goal. To this end, staff has worked towards obtaining membership into the Joint Water Commission. Tigard has requested a membership that is based on the ability to obtain 4 million gallons a day supply from the Commission. The Joint Water Commission is willing to grant Tigard membership as outlined in the “Amendment to Water Service Agreement and Joinder Agreement” (i.e. leasing agreement, continued participation in future CIPs, Tualatin Basin Water Feasibility Study).

Staff will present a report on the Joint Water Commission and the “Amendment to the Water Service Agreement and Joinder Agreement”.

OTHER ALTERNATIVES CONSIDERED

N/A

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Current Council Goals and the Visioning document identify the desire to obtain a long term water supply.

ATTACHMENT LIST

Power Point – Joint Water Commission – Membership Amendment Presentation

FISCAL NOTES

N/A

## JWC Membership

Joint IWB & City Council Meeting

City of Tigard  
Public Works Department Water Division  
November 25, 2003

## Tigard's Water Situation

- Unable to independently meet:
  - Current water demands
  - Future water demands
- Rely upon wholesale water purchased from:
  - The Joint Water Commission
  - The Portland Water Bureau

## Pursuit of Ownership

Investigated numerous source water options:

- Lake Oswego
- Proposed Bull Run Drinking Water Agency
- South Fork Water
- Willamette River

## Opportunity at Hand

- Pursuing membership in JWC since 2001
- Option to become a member stemmed from:
  - Feasibility Study regarding
    - Treatment Facility Expansions
    - Additional Water Supply
      - Raw Water Pipeline
      - Sein Creek Tunnel
      - Scoggins Dam Raise

## Joint Water Commission

- Collective water supply agency
  - Formed under an ORS 190
  - Members retain local control & service area
- Source waters located in the coast range:
  - Tualatin River Watershed
  - Trask River Watershed

## Members

Current members include the:

- City of Hillsboro
- City of Forest Grove
- City of Beaverton
- Tualatin Valley Water District

## Existing Assets

- Barney Reservoir
- Scoggins Reservoir
- 70 MGD Treatment Plant
- Finished Water Reservoir
- Transmission Lines

## The Offer

- Membership into the Joint Water Commission
- A purchasing 4million gallons a day member
  - Leased supply of water
- Does NOT give Tigard water rights
- Does NOT give Tigard ownership in JWC

## Membership Offer

### 2. Acknowledgement of Tigard

- Tigard has no stored or surface water rights:
  - Tualatin River
  - Hagg Lake
  - Barney Reservoir
- Water shall be through “leases” of water

## Membership Offer

### 3. Capital Contribution & Future Projects

- Tigard’s Capital Contribution:
  - Shall be for additional stored raw water
  - Will determine proportionate ownership of system
- If additional stored raw water is NOT obtained Tigard will voluntarily withdraw

## Membership Offer

### 4. Governance

- Tigard will have three representatives
- Article III shall be modified as follows:
  - 3.1 Addition of Tigard to the “Commission”
  - 3.4 Change “Seven (7)” to “Eight (8)” members
  - 3.8 Insert General Manager, remove Commission

## Membership Offer

### 5. Lease of Water by JWC

- JWC agrees to lease water to Tigard UNTIL
  - Additional stored raw water is obtained
- Tigard agrees to leasing terms regarding:
  - Quantity
  - Price

## Effect to Water Service

- Tigard becomes a member of the JWC
- Tigard voluntarily withdraws IF:
  - Additional raw water storage is not obtained

## Short Term Costs

- Current cost to purchase water from JWC:
  - Last year Tigard purchased:
    - Over 1.0 billion gallons
    - Approximate cost of \$922,000
- NO initial BUY IN cost
- Percentage of Feasibility Study Costs
  - Approximately \$240K current fiscal year
  - Approximately \$390k in next fiscal year.

## Long Term Costs

- IF additional raw water storage is obtained:
  - Initial Buy-In cost to the existing system
  - A percentage of capacity building projects
- Costs to be paid for over 30 years

## Timeline

Date	Description
December 2003	Tigard Signs Amendment
January 2004	JWC Board Reviews Amendment
2005	Feasibility Study Completed
2010	Construction of CIPs Completed

## Pros

- Potential ownership in a water source
- Cheaper water (in short-term) than PDX
- JWC is actively seeking our participation
- Solidarity for Westside Water Providers

## Cons

- Up front cost to fund feasibility study
- No guarantee of water rights
- Costly Buy-In and Capital Improvements



## Staff Recommendation

- Sign the agreement to become a partner
- Abide by the JWC Water Service Agreement
- Continue participation in:
  - JWC CIP & Tualatin Basin Water Feasibility Study
  - JWC Operations & Management Committee

## Next Steps

11-24-03	Present to Tigard Water Board
11-25-03	Present to Tigard City Council
11-25-03	Present to City of Durham
12-03-03	Present to City of King City
12-16-03	Request approval from City Council
	JWC Board Meeting

## Questions?



AGENDA ITEM # \_\_\_\_\_  
FOR AGENDA OF November 25, 2003

CITY OF TIGARD, OREGON  
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Citywide Sewer Extension Program Brochure

PREPARED BY: A.P. Duenas DEPT HEAD OK \_\_\_\_\_ CITY MGR OK \_\_\_\_\_

ISSUE BEFORE THE COUNCIL

Presentation of a brochure for discussion and direction.

STAFF RECOMMENDATION

That City Council inform staff of any desired revisions to the brochure. The brochure will be distributed to owners in proposed Program projects.

INFORMATION SUMMARY

The attached draft brochure is intended to inform owners of the purpose, procedures, and features of the Program. Program projects are constructed through reimbursement districts established by Council following an informational hearing. Only the brochure's content is presented for discussion and comment. The actual brochure layout will be determined after the contents are finalized. The brochure will be distributed to owners within proposed reimbursement districts sufficiently in advance of the informational hearing to allow owners to review the brochure and request additional information before the informational hearing. The brochure will also be made available at the front counter of City Hall and will be posted on the City's website.

OTHER ALTERNATIVES CONSIDERED

Not applicable

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Not applicable

ATTACHMENT LIST

Attachment No. 1- Draft Citywide Sewer Extension Program brochure

FISCAL NOTES

Sewer extensions in residential areas are funded through the Neighborhood Sewer Extension Program in the annual Capital Improvement Program. The Citywide Sewer Extension Program was established by Council in 2001 to extend sewer service to all developed but unserved residential lots in the City.

## *Citywide Neighborhood Sewer Extension Program – November 25, 2003*

### **Background**

City residents without sewer service expressed their concern that there were no sewers in their neighborhood to connect to should their septic systems fail. In response, Council created the Neighborhood Sewer Extension Program to construct sewers through Reimbursement Districts as provided for by City Code. The original program was initiated in May 1996 by mailing notice of the program to owners within unsewered portions the City. This was followed by presentations at public meetings and an article in *Cityscape*.

Under the program, the City installs public sewers to each lot within the Reimbursement District and the owners reimburse the City for a fair share of the cost of the public sewer at the time of connection to the sewer. In addition, each owner is also required to pay a connection fee of \$2,435 before connecting to the line and would be responsible for disconnecting the existing septic system according to County rules and any other plumbing modifications necessary to connect to the public line.

These lots were typically on septic systems that are 30 years old or more. This is beyond the period that septic systems may be confidently expected to properly function. Failed septic systems create health hazards that are regulated by DEQ rules that mandate rapid and effective abatement of the hazard. The rules are enforced by Washington County Department of Health. These health and enforcement consequences cannot be avoided by projects proposed in reaction to failed septic systems that occur at scattered locations throughout the City. The Program is intended to provide for the extension of sewers to all unsewered residential areas so that City sewer will be available as septic systems fail.

In addition, the program is intended to provide service at the least cost and to not create any expenses for owners who choose not to connect to the sewer. The usual method of providing sewer service is through Local Improvement Districts. The main attraction of this method is that it provides for installment payments through the sale of a bond. However, the sale of the bond adds excessive costs to the project; the bond is a lien on the owner's property and requires all owners to begin payments to retire the bond even if the owner does not connect to the sewer. The advantage of the Neighborhood Sewer Extension Program is that it avoids the cost of the bond sale, does not create a lien and payment by owners is not required until the owner chooses to connect. However, installment payments are not provided.

### **Current Program**

The first eleven projects completed through the Program provided 156 residential services in neighborhoods where the project was requested by at least fifty percent of the owners. Upon completion of these projects, projects for the neighborhoods that remained without service were scheduled over a 5-year period ending in 2006. The highest priority was given to neighborhoods with known septic system problems and with streets that required sewer installation in advance of planned street improvements.

The program is expected to conclude in 2006. Once the program is concluded, any remaining unserved lots would be served on interest shown by the residents and would be dependent upon the availability of funding at that time.

**Procedure-** Once a neighborhood has been selected for a project, the owners within the proposed district are notified of a City Council hearing to form a reimbursement district. The notice includes the estimated cost of the project and a proposed method of assigning a portion of the cost to each owner. Owners are invited to submit written or oral comments to City Council. Immediately following the hearing City Council will consider approving a resolution to form the district. If City Council approves the resolution, a copy will be mailed to each owner. The resolution defines the boundaries of the reimbursement district, and includes an estimated cost to each owner based on an estimated total project cost.

The estimated total project cost includes the estimated cost of construction plus an additional 13.5 % for an administrative fee. The administrative fee is expected to cover all project costs except for payments to the contractor constructing the project and the cost purchasing any required interests in land. Typical administrative costs include the engineering and surveying required for the design of the project, contract administration and construction inspection and testing. The engineering and surveying may be provided by City staff or consultants hired by the City. The estimated cost of construction usually includes a fifteen contingency in addition to the estimated cost of construction. The contingency is expected to cover a higher than expected bid from the contractor as well as the cost of any additional work found to be required during construction.

Following formation of the district, a contractor is hired and begins construction. The contractor will construct the public sewer mainline in the street as well as a connection line from the mainline to the property line of each lot. Upon completion of construction, final costs are determined and a notice of a City Council hearing to finalize the district is mailed to the owners. At the hearing, City Council receives comments and is asked to finalize the district by approving the final costs in a resolution. A copy of the resolution detailing the final cost to each owner (the reimbursement fee) is mailed to the owners along with notice that the sewer is now available for connections.

To connect to the sewer, the owner (or owner's contractor) must go to the front counter at City Hall and pay the reimbursement fee required by the final resolution and a connection fee (currently \$2,435) and obtain a plumbing permit. The reimbursement fee increases annually at 6.05% simple interest.

**Features of the program-** The program is authorized through the Tigard Municipal Code Chapter 13.09. The text of the Code is available at the City's website, [www.ci.tigard.or.us](http://www.ci.tigard.or.us). There is no requirement to connect an existing house to a sewer constructed through a reimbursement district or pay any fee until connection is made. However, payment of the reimbursement fee will be required for a building permit for a new house or for any addition, modification, repair or alterations to an existing house which exceed twenty-five percent of the value of the house. The construction of the sewer does not result in a lien on the owner's property and the owner may sale the property without paying any reimbursement district fees. The reimbursement district terminates fifteen years from the date City Council forms the district. Once the district is terminated, owners may connect to the sewer without paying the reimbursement fee. The owner must still pay the connection fee.

**Incentive Program-** To encourage owners to promptly connect to the sewer once it is available, City Council created an incentive program that limits the amount any owner is required to pay

for a share of the public sewer (the reimbursement fee) to \$6,000 if the connection was completed within three years from when it was first available. The owner would also pay for any costs that exceed \$15,000 but payment of this amount may be deferred until the lot is partitioned or otherwise developed during the life of the district. (For example; if an owner was assigned a reimbursement fee of \$16,000, the owner may connect to the sewer during the first three years for \$6,000. If the lot is partitioned during the life of the reimbursement district, payment of an additional \$1,000 will be required). For those that do not choose to connect during the first three years after the sewer is made available, the reimbursement fee would be the full share of the project cost plus the annual increase.

On October 14, 2003, City Council approved additional incentives for lot owners whose reimbursement fee exceeds \$15,000 and merely wish to connect an existing house within three years after the sewer is available or construct a house on a vacant lot. These owners may connect by paying \$6,000 and deferring payment of any amount over \$15,000 until the lot is partitioned or otherwise developed during the fifteen-year life of the reimbursement district.

**Connection of plumbing-** The work required to connect the house plumbing to the sewer connection line is entirely on private property and is the responsibility of the owner. This requires installing a pipe that connects the lowest point of the house plumbing to the sewer. Typically, the sewer is at the street in front of the house and the lowest point of the house plumbing is behind the house. This requires either installing the pipe around the house, or if there is a crawl space, under the house. The owner may select the location of the installed sewer connection line at the street. The assistance of a plumber may be required to determine the most advantageous location.

Occasionally, the proposed depth of a sewer connection line is greater than that required for a particular lot and an owner may request that it be installed at lesser depth to avoid the cost of additional excavation. Owners are urged to carefully consider the consequences of requesting a less deep connection line. Future improvements such as another house may require additional depth.

**Cost-** The owner's largest cost is the reimbursement fee. For lots within subdivisions, the fee frequently ranges from \$6,000 to \$12,000 and is intended to be each owner's fair share of the cost of constructing the public sewer. The Incentive Program limits the amount any owner is required to pay to \$6,000 up to a maximum of \$15,000 if the connection was completed within three years from when it was first available. Owners that connect following the first three years after the sewer is made available must pay the full fee plus the annual increase.

At the time of connection, the owner must also pay a connection fee that is currently \$2,435 for a single family house. The fees are used to increase the capacity of sewerage treatment facilities and are required for connections to all lots regardless of whether the lot is in a reimbursement district.

Once connection to the sewer is completed, the owner's utility bill from the City will include a charge for sewer that is used to operate and maintain the sewerage system. The amount of the charge is based on winter water usage and averages about \$50 for a two month billing period.

**Additional information-** Questions may be directed to the City Engineering Department at 503 718-2468 or [greg@ci.tigard.or.us](mailto:greg@ci.tigard.or.us).

AGENDA ITEM # \_\_\_\_\_  
FOR AGENDA OF November 25, 2003

CITY OF TIGARD, OREGON  
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Proposed Plan to Complete the Citywide Sewer Extension Program

PREPARED BY: A.P. Duenas DEPT HEAD OK \_\_\_\_\_ CITY MGR OK \_\_\_\_\_

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ISSUE BEFORE THE COUNCIL

Discussion with Council of the plan to complete the Citywide Sewer Extension Program by extending sewer service to the remaining developed but unserved areas in the City. Actual project approval and implementation will be through the Capital Improvement Program formulation each fiscal year.

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STAFF RECOMMENDATION

That Council review and comment on the proposed plan for completing the Citywide Sewer Extension Program.

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INFORMATION SUMMARY

On June 12, 2001, City Council approved a five-year schedule of projects to extend sewer service through the Citywide Sewer Extension Program, to the houses throughout the City that remain without service. At the beginning of the program, 675 residential lots were identified as needing sewer service. By the end of FY 2003-04, 195 sewer laterals should be available for connection. The remaining 480 sewer services are proposed to be completed in accordance with the schedule shown on the attached Table 1. The projects have been tentatively scheduled over the next three fiscal years for inclusion into the City's Capital Improvement Program.

As with the previous five-year schedule, the projects were prioritized by cost of construction per connection provided. This enables early construction of projects that provide the most connections for the least cost. The O'Mara & Edgewood project was advanced to the coming fiscal year because of significant owner interest. Several other projects were scheduled to precede street projects. It is important to note that many of the remaining projects require easements that could delay installation.

The proposed schedule will be used to guide staff in the selection of the specific Capital Improvement projects for each fiscal year, and to give notice to affected home owners of the upcoming projects. The actual projects for each fiscal year will be selected through the CIP formulation process. The priority of the projects may change in the upcoming fiscal years depending upon proposed street projects and potential difficulties involved in acquiring easements for extension of the sewer lines. The program completion may extend beyond the next three fiscal years, depending upon the ease of forming these anticipated districts. However, every attempt will be made to program and construct the projects shown during the next three years.

With Council's overall approval of the proposed plan, the schedule will be incorporated into the CIP formulation process, starting with FY 2004-05. In the spring of 2004, we plan to conduct meetings with the residents within the

proposed projects to provide information about the program and to answer questions regarding the projects. The brochure being developed for the program will be one of the tools used to inform residents and will be provided to all residents in the proposed reimbursement districts well in advance of project implementation.

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OTHER ALTERNATIVES CONSIDERED

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Not applicable

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VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

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Not applicable

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ATTACHMENT LIST

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Table 1- Schedule of Projects.

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FISCAL NOTES

Sewer extensions in residential areas are funded through the Neighborhood Sewer Extension Program in the annual Capital Improvement Program.

**Table 1**

**Citywide Sewer Extension Program**

AREA	LOTS	EST. TOTAL	Easement Required
<b>FY-2004-2005</b>			
OMARA , EDGEWOOD	46	\$453,000	Yes
121ST AVENUE	63	\$516,000	
100TH, MURDOCK, SATTLER	78	\$640,000	
117TH AVE	3	\$28,000	
WALNUT - PHASE 3	3	\$25,000	
		<b>\$1,662,000</b>	
<b>FY-2005-2006</b>			
100TH AVE	21	\$224,500	Yes
CHERRY STREET (ROCK)	25	\$278,000	Yes
97TH AVE / 100TH AVE	21	\$245,200	Yes
HILLVIEW STREET	6	\$73,800	Yes
112TH / WALNUT	34	\$342,400	WALNUT ST.
FERN STREET	7	\$40,800	
ASH AVENUE	11	\$66,000	
93RD AVENUE	33	\$236,800	Yes
		<b>\$1,507,500</b>	
<b>FY-2006-2007</b>			
FAIRHAVEN STREET	19	\$198,000	Yes
HOODVIEW DR *(ROCK)	27	\$253,400	
VARNS STREET *(ROCK)	27	\$353,800	Yes
ANN STREET	6	\$84,000	
87TH AVE	6	\$85,400	Yes
110TH AVE	3	\$44,400	Yes
115TH AVE	3	\$54,000	
MCDONALD ST. SWR (Finish)	0	\$67,200	Yes
ALBERTA / JAMES / MARION ST	29	\$293,000	Yes
FONNER	9	\$72,000	Yes
		<b>\$1,505,200</b>	
<b>GRAND TOTAL:</b>	<b>480</b>	<b>\$4,674,700</b>	

\* Projects where City may pay to extend the lines to the area to be served.



AGENDA ITEM # \_\_\_\_\_  
FOR AGENDA OF 11/25/03

CITY OF TIGARD, OREGON  
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Discuss Planned Development Requirements and Creation of Code Review Committee

PREPARED BY: D. Bewersdorff DEPT HEAD OK \_\_\_\_\_ CITY MGR OK \_\_\_\_\_

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ISSUE BEFORE THE COUNCIL

Staff will provide an overview of the City's Planned Development procedures and discuss possible creation of a Code Review Committee.

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STAFF RECOMMENDATION

Review the information and determine direction.

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INFORMATION SUMMARY

The review and approval of certain subdivisions through the Planned Development process and subsequent concern regarding the developments has led to the desire of the Council to discuss the Planned Development procedures in general. Staff has prepared a PowerPoint presentation that includes some background on past reviews of the ordinance, the purpose of Planned Developments, an assessment of the procedures, new issues, policy issues, relevant comprehensive plan policies, and other issues.

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OTHER ALTERNATIVES CONSIDERED

Not applicable.

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VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Growth and Growth Management Goal #1: Growth while protecting the character and livability of new and established areas while providing for natural environment and open space throughout the community.

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ATTACHMENT LIST

Attachment #1: PowerPoint presentation, "Planned Development Discussion"

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FISCAL NOTES

Not applicable.

## PLANNED DEVELOPMENT DISCUSSION

Tigard Development Code  
Chapter 18.350

## HISTORY

- Original code of 1983
- Reviewed in 1986, 1992-93, 1998
- Revised in 2002 (to remove density bonuses for constrained lands)

## PLANNED DEVELOPMENT IN GENERAL

- Promote flexibility to development standards
- Purpose in Tigard Development Code (TDC)
  1. To provide a means for creating planned environments through the application of flexible standards, i.e., zero-lot lines, narrower streets, and other innovative planning practices which will result in a superior living arrangement;
  2. To facilitate the efficient use of land;
  3. To promote an economic arrangement of land use, buildings, circulation systems, open space, and utilities;
  4. To preserve to the greatest extent possible the existing landscape features and amenities through the use of planning procedures that can relate the type and design of a development to a particular site; and
  5. To encourage development that recognizes the relationship between buildings, their use, open space, and access ways and thereby maximizes the opportunities for innovative and diversified living environments.

## Planned Development in General (Continued)

- Flexible Standards to achieve Superior Living Arrangements
  - Narrow streets
  - Lot dimensional requirements
  - Setbacks
  - Uses
- Efficient Use of Land
  - Minimum density requirements
  - Clustering

## Planned Development in General (Continued)

- Economic Arrangement of Land Uses
  - Flexibility to mix uses
  - Limited opportunity (lack of large vacant parcels)
  - Urban reserve
- Preservation of Existing Features and Amenities
  - Impact of grading and improvements to meet minimum densities
  - Wetland and riparian corridors
  - Preserve open space
- Relationships – Buildings, Use, Open Space
  - Few opportunities
  - Density bonuses

## ASSESSMENT:

- The Planned Development ordinance is a collection of flexible decision making tools to enable development that is site specific and not mathematically prescribed.
- As noted in the ASPO publication on planned development, "the PUD ordinance, which allows the greatest amount of flexibility, ideally will have a tendency to allow better design. But as problems in actually administering PUD's...are addressed, ordinances are amended and thus become less flexible, and thereby decreases the chance for better design."

### Assessment: (continued)

- ♦ Tigard adopted its planned development ordinance to enable flexibility in design and encourage innovative development of both infill and large parcels.
- ♦ The ordinance remains relatively “loose” on a number of other standards to encourage developers to use the PD process, and relies on the planning commission to ensure that the more subjective standards are met by the overall project.
- ♦ Consistency with Metro requirements prevents the City from granting density reductions

### Assessment: (continued)

- ♦ Restrictions for certain housing types in particular zones can be modified, but there could be instances where the housing types are better suited to the topography, configuration, or natural constraints on a site.
- ♦ Areas that could be improved include the designation or requirements for open space.
- ♦ A number of development proposals have been hindered by the apparent contradiction between minimum density and the City's tree ordinance.

### Assessment: (continued)

- ♦ One arena that the City has been reluctant to enter (especially related to single family residential dwellings) is architectural review.
- ♦ Architectural controls could be implemented.
- ♦ A review process for architectural design is subjective and tends to lengthen the development process.
- ♦ By granting density reductions, the City would be in non-compliance.
- ♦ One possibility may be to include private open space in the deductions from the gross site area in determining the net developable area.

### NEW QUESTIONS:

- ♦ Lot size averaging
- ♦ Density transfer from constrained lands

### POLICY QUESTIONS

- ♦ Discussion of changes needs to be viewed through discussion of policy
- ♦ Policy is found in Comprehensive Plan

### RELEVANT POLICIES

#### Housing

- ♦ 6.1.1 – The City shall provide an opportunity for a diversity of housing densities and residential types at various prices and rent levels.
  - Implementation Strategies
    - Single family and attached or multiple family at 10 units to the net acre on buildable vacant land.
    - The TDC, through the Planned Development process, shall establish a procedure to allow properties exhibiting physical constraint characteristics, e.g., steep slopes or floodplains, to develop with density transfers allowable on the site.
    - The City shall encourage housing development to occur, to the greatest extent possible, on designated buildable lands in areas where public facilities and services can be readily extended to those lands.

## Relevant Policies (continued)

### Housing

- ♦ 6.2.1 - The City shall develop clear and concise development regulations and standards to facilitate the streamlining of development proposals, and will eliminate unnecessary provisions which could increase housing costs without corresponding benefits.

## Relevant Policies (continued)

### Natural Features and Open Space

- ♦ 3.1.1 – The City shall not allow development in areas having the following development limitations except where it can be shown that established and proven engineering techniques related to a specific site plan will make the area suitable for the proposed development. (Note: this policy does not apply to land designated as significant wetlands on the floodplain and wetlands map)
  - ▶ Areas meeting the definition of wetlands under Chapter 18.26 (18.120) of the Community Development Code;
  - ▶ Areas having a severe soil erosion potential;
  - ▶ Areas subject to slumping, earth slides or movement;
  - ▶ Areas having slopes in excess of 25%; or
  - ▶ Areas having severe weak foundation soils.

## Relevant Policies (continued)

### Natural Features and Open Space

- ♦ 3.1.1 – Continued
  - Implementation Strategies
    - ▶ Areas having physical limitations (poor drainage, seasonal flooding, unstable ground) may be subject to policy 3.1.1 of the Comprehensive Plan

## Relevant Policies (continued)

### Natural Features and Open Space

- ♦ 3.2.4 – The City shall prohibit development within areas designated as significant wetlands on the floodplain and wetlands map. No development shall occur on property adjacent to areas designated as significant wetlands on the floodplain and wetlands map within twenty-five (25) feet of the designated wetlands area. Development on property adjacent to significant wetlands shall be allowed under the planned development section of the code.

## Relevant Policies (continued)

### Natural Features and Open Space

- ♦ 3.4.2 – The City Shall:
  - a. Protect fish and wildlife habitat along stream corridors by managing the riparian habitat and controlling erosion, and by requiring that areas of standing trees and natural vegetation along natural drainage courses and waterways be maintained to the maximum extent possible;
  - b. Require that development proposals in designated timbered or tree areas be reviewed through the planned development process to minimize the number of trees removed; and
  - c. Require cluster type development in areas having important wildlife habitat value as delineated on the "Fish and Wildlife Habitat Map" on file at the City.

## Relevant Policies (continued)

### Natural Features and Open Space

- ♦ 3.4.2 – Continued
  - Implementation Strategies
    - ▶ The City shall encourage, through the Planned Development Process, the retention of large, varied habitat areas on private and public lands including inventoried plant and animal communities.
    - ▶ Where there exist large or unique stands of trees or major vegetation areas within the planning area on undeveloped land, the City shall ensure that development proposals do not substantially alter the character of the vegetation area through the Planned Development Process and the "Tree Cutting" section of the Community Development Code.

## OTHER ISSUES

- ▶ Ballot Measure 56
  - Requires notice to all properties impacted
  - Estimated cost \$6,500+
- ▶ Changes to Tigard Development Code will not go into affect in Urban Services Area
- ▶ Takings

CITY OF TIGARD, OREGON  
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE City/TriMet Memorandum of Understanding (MOU) and Local Transit Services Discussion with TriMet General Manager

PREPARED BY: Duane Roberts DEPT HEAD OK \_\_\_\_\_ CITY MGR OK \_\_\_\_\_

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ISSUE BEFORE THE COUNCIL

Continuation of review and discussion with TriMet General Manager Fred Hansen of the proposed Tigard/TriMet Memorandum of Understanding (MOU) and companion Local Area Plan for improving transit services within the City.

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STAFF RECOMMENDATION

Council discuss with the regional transit agency head its ideas and opinions regarding the proposed MOU for improving transit and any other transit-related issues Council wishes to raise.

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INFORMATION SUMMARY

At its 10/21/03 workshop meeting, Council discussed with TriMet representatives two TriMet-prepared documents that lay out proposed strategies for enhancing transit access in Tigard. These documents include a MOU and a "Tigard Local Area Plan". The MOU is intended to provide a framework for collaborative efforts between TriMet and Tigard. It encompasses capital (bus shelters, sidewalks, lighting) and service improvements. The "Tigard Local Area Plan" describes TriMet's proposed approach and timeline for identifying and implementing Tigard-area transit improvements. The target date for service improvements is 2006, coinciding with opening of commuter rail. The MOU and Plan are the starting point for improving transit access in Tigard and TriMet's response to Council's prior requests to improve the transit system serving the City. Tigard is one of only six areas identified in the agency's five-year Transit Improvement Plan as a focus for transit system investments.

At the 10/21/03 workshop meeting, individual Council members commented that the MOU was a "good beginning" but expressed concern that no actions had been taken up to now on Council's prior recommendations to TriMet for service changes. Another concern was that the MOU contains no measurable goals or benchmarks for ridership increases.

TriMet General Manager Fred Hansen will attend the meeting. As noted at the time, Mr. Hansen was not available for the 10/21 workshop meeting.

Adoption of the MOU is scheduled for December 16, 2003.

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OTHER ALTERNATIVES CONSIDERED

None considered.

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## VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Transportation and Traffic, Goal #3, "Alternative modes of transportation are available and use is maximized."

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## ATTACHMENT LIST

Attachment #1: Memorandum of Understanding, Draft #2

Attachment #2: Draft #4 Tigard Local Area Plan

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## FISCAL NOTES

The agreement does not involve the obligation of City funds. Implementation of proposed capital improvements will depend on funding availability as part of each organization's annual budgeting process.

i/citywide/tri-met agency head



**MEMORANDUM OF UNDERSTANDING**  
**Draft #2 - 9/17/03**

**Tigard Access Planning**

The City of Tigard and the Tri-County Metropolitan Transportation District of Oregon ("TriMet") are executing this Memorandum of Understanding (MOU), effective December 1, 2003.

***I. Purpose***

This MOU establishes the rights and obligations of the parties entering into this MOU.

***II. Mission***

The Tigard Access Plan will provide a comprehensive process that will capitalize on the energy surrounding the commuter rail project to improve access, leverage public and private investments, and promote mobility options in the area. Development of commuter rail in the US Route 217 corridor ("Corridor") provides a unique opportunity for a partnership between Tigard and TriMet to improve access to and within Tigard.

***III. TriMet OBLIGATIONS***

TriMet agrees to:

- a. Examine and implement changes to transit service that will improve access in the Tigard.
- b. Meet regularly with the City to coordinate projects related to the improving access in the Corridor. Types of projects would include:
  - Bus stop improvements
  - Transit preferential treatment for buses
  - Pedestrian access improvements
  - Bike access improvements
  - Public Information (maps, etc.)
- c. Involve community members in all phases of the Tigard Access Plan. Develop and implement a community outreach strategy that reaches the diversity of community and business members.
- d. Educated and market programs that will improve the public's ability to understand transportation choices.

***IV. CITY OF TIGARD OBLIGATIONS***

Tigard agrees to:

- a. Meet regularly with TriMet to coordinate capital improvements that would improve access to transit in the corridor. Types of projects would include those mentioned in section III.b.
- b. Participate in the community outreach efforts.

**V. DURATION**

This MOU is for an initial term through the opening of Commuter Rail. A final report will identify longer term projects.

**VI. TERMINATION**

TriMet or the city of Tigard may withdraw from this MOU, without penalty, by giving 90 days prior written notice to all signatories of their intention to do so.

**VII. GENERAL**

- a. In connection with this MOU, each party is an independent contractor for all purposes and will have no authority to bind or commit the other.
- b. Nothing in this MOU shall create any legal right or inure to the benefit of any third party not a signatory of this MOU.

**VIII. NOTICES**

Any notices or communications under this MOU shall be provided to the individuals as designated below:

TriMet  
Tony Mendoza

City of Tigard  
Duane Roberts

Any notices required to be given under this MOU shall be in writing and deemed effective if deposited in U.S. Mail Certified return receipt, hand delivered, or transmitted by facsimile with successful confirmation.

**TRI-COUNTY METROPOLITAN TRANSPORTATION**

Fred Hansen  
General Manager  
District of Oregon (TriMet)

Approved as to Form:

\_\_\_\_\_  
Legal department

\_\_\_\_\_  
signature

\_\_\_\_\_  
date

**CITY OF TIGARD**

Mayor

\_\_\_\_\_  
signature

\_\_\_\_\_  
date

# DRAFT #4

## Tigard Local Area Plan

9/17/03

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### Introduction

This plan responds to Tigard City Council concerns regarding Local TriMet service and executes the Tigard Local Area Plan of TriMet's Transit Investment Plan. It coordinates transit service with capital improvements and builds on the addition of Commuter Rail to gain noticeable enhancements to the total transit system.

### Goals

- Improve access to transit
- Maximize transit ridership
- Improve local coverage

### Guiding Principles

- Improve transit options for current and potential riders
- Connect neighboring cities
- Coordinate public/private investments to improve transit riding experience
- Incorporate Tigard TSP Key Strategy Priorities:
  1. Commuter Rail (the Local Area Plan will look at connecting commuter rail to the community with bus service, pedestrians and bikes)
  2. (tie) Provide more frequent service, more hours of day
  2. (tie) Express routes to regional employment centers
  2. (tie) Transit amenities (bus shelters, real time information, etc.)
  5. (tie) Provide access to employment areas
  5. (tie) Provide more local transit service
  7. Provide access to commercial areas
  8. Provide park and ride lots
  9. Provide access to activity and service centers

### Scope

1. Fixed-Route Analysis
  - Commuter rail connections (emphasis areas around Washington Square and Downtown)
  - Local Service Action Plan
2. Capital Improvements
  - Pedestrian connections for ADA accessibility and safety
  - Pedestrian and bike connections
  - Customer amenities such as shelters and waiting areas

3. Customer Information
  - o Signage to transit and major destinations
  - o Information at stops including maps and transit tracker
4. Elderly and Disabled
  - o Connections to transit and to destinations
  - o Travel Training
5. Job Access
  - o Low Income Housing Areas
  - o Employer pass programs
  - o Employer shuttles/vanpool shuttles
  - o Employer site pedestrian access to transit
6. Community Outreach
  - o On-Board
  - o Bus stop postings
  - o Neighborhood Meetings/Events
  - o Business/Community Newsletters
  - o Website
  - o Comment Line
  - o Fact sheets/Rider alerts/Press releases
  - o Advertising
  - o Cable TV
  - o Employers/Tigard Area Chamber of Commerce

## **Timeline/Process**

### **Summer '03-Winter '03**

- o Develop work plan
- o Develop MOU
- o Review existing plans
- o Develop working group
- o Develop technical analysis
- o Working session with Tigard City Council

### **Winter '03/'04-Spring '04**

- o Define stakeholders
- o Listen to the Community
- o Define Alternatives
- o Define Markets
- o Identify long list of potential TriMet and City capital improvements

**Spring '04-Winter '04/'05**

- Work with community/riders
- Develop information for decision-making (analyze alternatives)
- Narrow capital improvement list – define TriMet and City budgets for FY'06
- Tigard City Council update

**Winter '04/'05 – Spring '05**

- Work with community
- Narrow bus service alternatives
- Prioritize capital list
- Finalize projects to be included in FY'05/06 budgets

**Spring '05 – Summer '05**

- Begin capital improvements
- Present bus service proposals to community for commuter rail start-up, Spring '06
- Council Update

**Summer '05 – Fall '05**

- Finalize bus service proposal and input to service plan
- Continue capital improvements
- Develop marketing/safety strategies

**Fall '05 – Spring '06**

- Implement marketing strategies
- Continue capital improvements

**Spring '06 – Summer '06**

- Production of Final Report – Coordinate with other plans such as City's Capital Improvement Plan and TriMet's TIP
- Presentation to Council
- Implement bus changes
- Begin Commuter Rail Operations

**Planning Area – Add Map**

**No packet items prepared for  
Agenda Item No. 7**

**Discussion of Potential Tigard-Tualatin School District  
Park and Recreation District Proposal**